

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**MICHELLE NAPIER,**

Civil No. 04-340-ST

Plaintiff,

O R D E R

v.

**COMMISSIONER OF SOCIAL  
SECURITY,**

Defendant.

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KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on February 22, 2011. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation dated February 22, 2011 (#34) in its entirety.

IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion for Approval of Attorney fees pursuant to 42 U.S.C. § 406(b) (#30) is GRANTED in the sum of \$9,533.97 from which the EAJA fee of \$4,650.00 should be subtracted.

DATED this 16<sup>th</sup> day of March, 2011.

/s / Garr M. King  
GARR M. KING  
United States District Judge